

CMS Issues Final Rule: Notification of Hospital Discharge Appeal Rights
(CMS-4105-F)

On November 27, 2006, the Centers for Medicare & Medicaid Services (CMS) issued a final rule, Notification of Hospital Discharge Appeal Rights, CMS-4105-F. This final rule responds to comments on the April 5, 2006 proposed rule and sets forth requirements for how hospitals must notify Medicare beneficiaries who are hospital inpatients about their hospital discharge appeal rights. Notice is required both for original Medicare beneficiaries and for beneficiaries enrolled in Medicare health plans.

Based on consideration of hundreds of public comments, CMS made several adjustments to the proposed notice delivery process aimed at balancing existing hospital discharge processes with a beneficiary's right to be informed of his or her discharge appeal rights. Most notably, rather than implementing a new discharge notice, the final rule requires that hospitals use a revised version of the Important Message from Medicare (IM), an existing statutorily required notice, to explain the discharge rights. Hospitals must issue the IM within 2 days of admission, and must obtain the signature of the beneficiary or his or her representative. In cases where the IM is delivered more than two days before discharge, hospitals will be required to give the beneficiary a copy of the signed IM before discharge. For beneficiaries who request an appeal, the hospital, or health plan, if applicable, will deliver a more detailed notice.

The notices associated with this rule are not yet available. CMS will submit revised versions of the Important Message from Medicare and the Detailed Notice to OMB for public comment. We will post follow up announcements when the notices are published in the Federal Register for public comment and when they are finalized and available for use. The implementation date for the new process is July 1, 2007. For now, hospitals must continue using current processes and notices.

CMS-4105-F is attached or can be viewed on the Federal Register Online at www.gpoaccess.gov/fr/advanced.html
Search on the date the regulation was published 11/27/2006 and the word "Discharge".

Any questions regarding this process for Original Medicare can be addressed to me, Eileen Zerhusen at Eileen.zerhusen@cms.hhs.gov.

Questions related to the Medicare Advantage section of the rule should be addressed to Tim Roe at Timothy.Roe@cms.hhs.gov.

Thank you very much.